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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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09/432,811

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DAVID FELGER

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1586

7055 7590 05/07/2007
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EXAMINER

CAMPEN, KELLY SCAGGS

ART UNIT

PAPER NUMBER

3691

NOTIFICATION DATE

DELIVERY MODE

05/07/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
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Office Action Summary

Application No.

09/432,811

Applicant(s)

FELGER, DAVID

Examiner

Kelly Campen

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 200-240 is/are pending in the application.
- 4a) Of the above claim(s) 200-224, 226-231 and 234-240 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 225, 232 and 233 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>10/31/5, 1/22/07, 1/29/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/22/2007 has been entered.

Election/Restrictions

Newly submitted claims 200-224, 226-231, 234-240 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the applicant elected the invention of Group IV in the Restriction mailed 2/11/03 directed to claims 127-168, drawn to the step of determining whether a sale transaction over the computer network should be limited to a predetermined amount based on information received from a user; and completing the sale transaction over the computer network limited by the predetermined amount, classified in class 705, subclass 40 and the species elected from the election mailed on 6/17/03 directed to Species 1, the method comprising a first step of storing a plurality of predetermined sale limits for a plurality of users as claimed in the embodiment of independent claim 175:

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 200-224, 226-231 and 234-240 are withdrawn from

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consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 225 and 232-233 are rejected under 35 U.S.C. 102(e) as being anticipated by Joao et al. (US 5878337).

Joao et al. disclose a method for controlling access to a service (abstract), comprising: receiving a request from a user to establish a communication between the user and the service (see col. 11, lines 16-31); receiving information associated with the user (see col. 16, lines 4-14); accessing a database (see col. 16, lines 4-10); comparing the received information associated with the user with information stored in the database (see col 16, lines 55-65) (authorizing); requesting billing information associated with the user when the received information associated with the user passes the comparison with the information stored in the database (col 16, lines 4-34); and establishing the communication between the user and the service after the requested billing information associated with the caller is received (see col. 16, lines 55-65, fig 3 cont).

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Specifically as to claim 232, further comprising: determining a transaction limit of the user when the user passes the comparison (see col. 16, lines 13-20) (specific limit); and issuing an approval signal to establish the communication when a cost for the communication does not exceed the determined transaction limit (see col. 16, lines 25-35, and col. 17, lines 13-25 and lines 26-35).

Specifically as to claim 233, further comprising: issuing an approval signal to enable establishment of the communication when the user passes the comparison (see col. 17, lines 13-26), and a cost for the communication is determined to not exceed a predetermined credit limit for the user (see col. 17, lines 26-35); and issuing a temporary block signal to temporarily block establishment of the communication when the user passes the comparison, but the cost for the communication is determined to exceed the predetermined credit limit for the user (col. 16, lines 13-20 and col. 17, lines 13-25 and 26-35, and col. 16 lines 25-35).

Response to Arguments

Applicant's arguments with respect to claims 200-240 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments, see remarks pages 11-12, filed 1/22/2007, with respect to the rejection(s) of claim(s) 175,176,178-187,190-197,199 under 35 USC 102(e) over Joao et al. US 6047270 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Joao et al. US 5878337.

Applicant's arguments, see page 11 of the remarks, filed 1/22/2007, with respect to claims 175-199 under 35 USC 101 have been fully considered and are persuasive. The 35 USC 101 rejection of 4/21/2006 has been withdrawn.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McCausland et al. (US 5822410) disclose a churn amelioration system and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly Campen whose telephone number is (571) 272-6740. The examiner can normally be reached on Tuesday and Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Applicant's arguments, see page 11 of the remarks, filed 1/22/2007, with respect to claims 175-199 under 35 USC 101 have been fully considered and are persuasive. The 35 USC 101 rejection of 4/21/2006 has been withdrawn.


Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McCausland et al. (US 5822410) disclose a churn amelioration system and method.

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Kelly S. Campen


ALEXANDER KALINOWSKI
SUPERVISORY PATENT EXAMINER